IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 23 of 2006(C)

PETITIONER:

P.E. MUHAMMED ASHRAF,
GOVT.CONTRACTOR, PUNNILATH HOUSE,
MATHILAKAM P.O., KODUNGALLUR - VIA.,
THRISSUR.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:
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1. STATE OF KERALA, REP. BY ITS
PRINCIPAL SECRETATRY TO GOVERNMENT,
DEPARTMENT OF FINANCE, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF PUBLIC WORKS,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

3. THE SUPERINTENDING ENGINEER,
PUBLIC WORKS DEPARTMENT,
(ROADS & BRIDGES), CENTRAL CIRCLE,
ALUVA, ERNAKULAM.

4. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT,
(ROADS DIVISION), THRISSUR.

5. THE ASSISTANT EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT,
(ROADS SUB DIVISION), KODUNGALLUR.

BY GOVERNMENT PLEADER SRI.M.P.PRAKASH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Petitioner's Exhibits

Ext.P1: True copy of G.O.(P) No.84/97/PW&T dated 19-8-1997 issued by the 2nd respondent

Ext.P2: True photo copy of Clauses 68 of MDSS

Ext.P3: True copy of the Special conditions of contract executed with the respondents 3 to 5

Ext.P4: True copy of Section 29 of P.W.D. manual

Ext.P5: True photocopy of Article 15.2.2 of Kerala P.W.D. Manual

Ext.P6: True photocopy of Article 180, 184 and 185 of the Kerala Financial Code.

Ext.P7: True copy of the judgment dated 18-9-2002 in O.P. No.5741/2002 of this Hon'ble Court

Ext.P8: True copy of the judgment of this Hon'ble Court in cont.case (C) No. 379/2004 dated 25-6-2004

Ext.P9: True copy of the order of the Hon'ble Supreme Court of India dated 4-5-2005 in Civil Appeal No.3148/2005 and connected cases.

Ext.P10: True copy of G.O. (Rt) No.193/04/PWD dated 19-2-2004 issued by the 2nd respondent

Ext.P11: True copy of the representation dated 12-9-2005 submitted by the petitioner before the respondents

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 23 OF 2006-C

JUDGMENT

The petitioner is a P.W.D contractor. He has done certain works for the respondents. Some bills relating to those works are remaining unpaid. The details of those bills are stated in paragraphs 3,4 and 5 of the writ petition. Praying for a direction to the respondents to disburse the admitted amount due to him with 12% interest, this Writ Petition is filed.

2. The respondents have filed a counter affidavit, stating that the petitioner's turn for payment as per the priority list has not arisen. As and when his turn arises, the payment will be made. The priority list will be strictly followed, it is submitted. The above submission of the respondents is recorded. The amounts due to the petitioner shall be paid strictly in accordance with the priority list. The claim of the petitioner for interest is kept open, for which he can work out his remedy, if the payment is made without interest.

The Writ Petition is disposed of as above.

19th January, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/